

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

TOMESHIA HORNE

VS.

JOMO LOVELACE and
MELTON TRUCKLINES, INC.

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CIVIL NO. 5:21-cv-00955

**DEFENDANTS, AND MELTON TRUCK LINES, INC. and JOMO LOVELACE'S NOTICE
OF REMOVAL**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS:

Pursuant to 28 U.S.C. §§ 1332 and 1441(a), Defendants, **MELTON TRUCK
LINES, INC.**, and **JOMO LOVELACE** hereby removes this action to the United States
District Court for the Western District of Texas San Antonio Division from the 456th
Judicial District Court of Guadalupe County, Texas, stating as follows:

1. Plaintiff, Tomeshia Horne commenced this action in the 456th District Court of
Guadalupe County, Texas, where it was given Cause No. 21-1827-CV-E. This action is
between residents and citizens of different states. Plaintiff is a citizen and resident of
Texas. Defendant, Jomo Lovelace is a citizen and resident of Pennsylvania.
Defendant, Melton Truck lines, Inc. is an Oklahoma corporation with its principal place
of business in Tulsa, Oklahoma and therefore a citizen of Oklahoma. Plaintiff and
Defendants are citizens and residents of different states, none of the Defendants are
citizens or residents of Texas, and the proper parties are totally diverse from Plaintiff.

2. Plaintiff claims damages for serious personal injury and as of Plaintiff's August
25, 2021 Original Petition, Plaintiff is seeking damages over two hundred fifty thousand
dollars (\$250,000.00) but no greater than One million dollars (\$1,000,000.00).
Accordingly, this Court has original jurisdiction under 28 U.S.C. § 1332. Thus, it is
"facially apparent" from the plaintiff's state court petition that the controversy here
exceeds the minimum jurisdictional limits. See, e.g., *De Aguilar v. Boeing Co.*, 11 F.3d

55, 57 (5th Cir. 1993)(noting that, if it is “facially apparent” from the state-court petition that the amount in controversy exceeds the jurisdictional minimum, the defendant need only point such fact out to successfully bear its burden); *Matney v. Wenger Corp.*, 957 F. Supp. 942, 943-44 (S.D. Tex. 1997)(finding that plaintiff’s petition satisfied amount-in-controversy requirement despite contention to the contrary where petition alleged “severe bodily injuries”).

3. Defendant, Melton Truck Lines, Inc. received the summons and complaint on September 10, 2021, by way of service on Registered agent.

4. Defendant, Jomo Lovelace has not been served but voluntarily appears and agrees to removal.

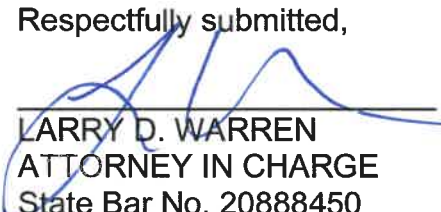
5. A copy of all process, pleadings, and orders served upon Defendants, Melton Truck Lines, Inc. and Jomo Lovelace, are attached as Exhibit A.

6. Defendants will provide written notice of this Notice of Removal to all adverse parties and will file a copy with the Clerk of the 456th District Court of Guadalupe County, Texas.

6. Defendants, Melton Truck Lines, Inc. and Jomo Lovelace consent to this removal.

Dated: **October** , 2021

Respectfully submitted,


LARRY D. WARREN
ATTORNEY IN CHARGE
State Bar No. 20888450
FBN: 13339

**ATTORNEY FOR DEFENDANTS,
MELTON TRUCK LINES, INC. AND
JOMO LOVELACE**

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of **October 2021**, the foregoing document, was filed with the Clerk of Court using the CM/ECF system, and was served on counsel via **E-mail**:

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